# IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF PENNSYLVANIA

| CELIA PEARLMANN,<br>Plaintiff,                          | :<br>:   |
|---|--|
| V.  | No. 2:08-cv-00076-ER   |
| CHESTER UPLAND SCHOOL<br>DISTRICT,                      | :<br>: Jury Trial Demanded<br>:  |
| And   |  |
| CHESTER UPLAND EDUCATION<br>ASSOCIATION,<br>Defendants. |  |
| <u>0</u>  | RDER   |
|   | , 2008, upon consideration of Plaintiff's at, and any response there to, it is HEREBY atiff's motion is GRANTED. |
|   | BY THE COURT:  |
|   |  |
|   | The Honorable I Pohreno  |

## IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF PENNSYLVANIA

CELIA PEARLMANN, :

Plaintiff,

: No. 2:08-cy-00076-ER

.

CHESTER UPLAND SCHOOL : Jury Trial Demanded

DISTRICT,

٧.

:

And

CHESTER UPLAND EDUCATION

ASSOCIATION,

Defendants. :

#### PLAINTIFF'S SECOND MOTION TO AMEND IT'S COMPLAINT

Plaintiff, by and through undersigned counsel, moves this Honorable Court for leave to file an amended complaint pursuant to FRCP 15 and this Honorable Court's 5/7/08 Order and in support thereof avers:

- 1. On May 6, 2008, this Honorable Court held a hearing regarding scheduling and both Defendants' then pending motions to dismiss.
- 2. This Honorable Court instructed Plaintiff to amend it's Complaint regarding it's breach of contract claims to provide for better clarity.
- At the hearing, this Honorable Court verbally denied the outstanding motions to dismiss except with regards to Plaintiff's claims for punitive damages.
- 4. On May 12, 2008 Plaintiff received a copy of this Honorable Court's Order regarding the motions to dismiss which held, inter alia, that Plaintiff could not recover compensatory damages on its claims versus Chester Upland Education Association ("Union").
- 5. Plaintiff desires to amend its amended complaint to amplify her breach of contract claims and to plead additional facts supporting a claim for compensatory damages against the Union. (See Exhibit "A").

- 6. With regards to this Honorable Court's holding regarding Plaintiff's claim for compensatory damages against the Union, Plaintiff's counsel is currently working on but has not completed a motion for reconsideration which will be filed within 10 court days of the aforementioned Order.
- 7. Plaintiff desires to incorporate into the attached amended complaint those exhibits previously attached to its first amended complaint.

  WHEREFORE, Plaintiff respectfully requests that this Honorable Court grant leave to file the attached second amended complaint.

Respectfully Submitted:

/s/ Shelly Farber, Esquire SHELLY FARBER ESQUIRE PA Attorney ID 33726 Farber and Farber Law Offices 2619 West Chester Pike Broomall, PA 19008 610-356-3900

Fax: 610-356-3952

### IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF PENNSYLVANIA

CELIA PEARLMANN, :

٧.

Plaintiff,

: No. **2:08-cv-00076-ER** 

CHESTER UPLAND SCHOOL : Jury Trial Demanded

DISTRICT,

And

CHESTER UPLAND EDUCATION ASSOCIATION,

Defendants.

#### **CERTIFICATE OF SERVICE**

I, Shelly Farber, Esquire, aver that on May 16, 2008, I caused a true and correct copy of the attached 2<sup>nd</sup> motion to amend its complaint to be served electronically upon:

Allison Petersen, Esquire Levin Legal Group 1301 Masons Mill Business Park 1800 Byberry Rd Huntingdon Valley, PA 19006-3518 Fax ((215) 938-6375)

Annemarie Dwyer, Esquire PSEA, Legal Division 1512 McDaniel Drive West Chester, Pa 19380-6670 Fax ((610) 430-0596)

Respectfully Submitted:

/s/ Shelly Farber, Esquire SHELLY FARBER ESQUIRE PA Attorney ID 33726 Farber and Farber Law Offices 2619 West Chester Pike Broomall, PA 19008 610-356-3900 Fax: 610-356-3952